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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,376	11/26/2001	Matthias Herrmann	10191/1962	9725

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EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,376

Applicant(s)

HERRMANN, MATTHIAS

Examiner

Huy Q Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-23 is/are allowed.
- 6) ☒ Claim(s) 14-19 and 24-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: Nov. 01, 2004.
Claims 14-32 are still pending.

Response to Arguments

2. Applicant's arguments with respect to claims 14-32 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. The drawings were received on Nov. 01, 2004. These drawings are accepted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 14, 17-19, 24 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (US-5,524,051) in view of Maillard et al. (US-6,466,671).**

Regarding claim 14, Ryan discloses in figure 1, a receiver (10) for receiving a radio broadcasting signal (col. 3, lines 23-45), the receiver comprising:

a signal decoder (16) for decoding an encoded signal contained in encoded form in the radio broadcast signal, the encoded signal including at least one of an audio signal in encoded form and a data signal in encoded form (col. 3, lines 23-45); wherein: the encoded signal is decoded only when the signal decoder obtains an external authentication signal that is received via an external transmission path that is different from a transmission path of the radio broadcast signal (col. 3, lines 45-50 and col. 6, lines 26-64); and at least one component (40) of the receiver is controllable using a control signal transmittable (20) via the external transmission path (col. 6, line 26-64).

But, Ryan fails to expressly teach wherein the signal decoder obtains an external authentication signal transmitted from a remote location that is received from the remote location via an external transmission path that is different from a transmission path of the radio broadcast signal; and at least one component of the receiver is remotely controllable using a control signal transmittable via the external transmission path. However in analogous art, Maillard et al. teach wherein the signal decoder (receiver/decoder) obtains an external authentication signal (broadcast control signal) transmitted from a remote location (different broadcast suppliers) that is received from the remote location via an external transmission path that is different from a transmission path of the radio broadcast signal (col. 2, line 45-col. 3, line 54); and at least one component of the receiver (receiver/decoder) is remotely controllable using a control signal transmittable via the external transmission path (different broadcast suppliers). Since, Ryan and Maillard et al. are related to the method of controlling the encoded broadcast signal; therefore, it would have been obvious to one of ordinary skill

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in the art at the time the invention was made to modify the system of Ryan as taught by Maillard et al. for purpose of controlling the misuse in receiving the encoded broadcast signal in order to increase significantly the profitability.

Regarding claim 17, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 14. Ryan further discloses a control (fig. 1, box 20) unit having a processor (col. 3, lines 44-50) for controlling the signal decoder (16) and predetermined components (16 and 28) of the receiver via a control bus (22); and a communication link (42) provided between the control unit (20) and the external transmission path, the communication link including one of a wire communication link (col. 4, lines 26-29) and an infrared interface communication link; wherein the control unit (20) transmits the authentication signal (22a) to the signal decoder (16) when the control unit receives the external authentication signal (42) from the external transmission path (col. 6, lines 26-64).

Regarding claim 18, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 17. Ryan further discloses an input (fig. 1, User Interface 40) and output device (38) connected to the control unit (20).

Regarding claim 19, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 14. Ryan further discloses a receiving part (fig. 1, box 12) for demodulating a baseband signal from the radio broadcasting signal (col. 3, lines 23-45);

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and a post-connected audio-signal processing unit (39 and 30); wherein the signal decoder (16) is situated in a signal path between the receiving part (12) and the post-connected audio-signal processing unit (39 and 30).

Regarding claim 24, Ryan discloses in figure 1, a method for receiving a radio broadcast signal (col. 3, lines 23-45), the method comprising: decoding an encoded signal contained in encoded form in the radio broadcast signal when an external authentication signal is received via an external transmission path different from a transmission path of the radio broadcast signal (col. 3, lines 46-51 and col. 6, lines 26-64), the encoded signal including at least one of an audio signal in encoded form and a data signal in encoded form (col. 3, lines 23-45); and controlling at least one component of a receiver (40) for the transmission path of the radio broadcast signal using the external transmission path (col. 6, lines 26-64).

But, Ryan fails to expressly teach wherein the external authentication signal is received from a remote location via an external transmission path different from a transmission path of the radio broadcast signal; and remotely controlling at least one component of a receiver for the transmission path of the radio broadcast signal using the external transmission path. However in analogous art, Maillard et al. teach wherein the signal decoder (receiver/decoder) obtains an external authentication signal (broadcast control signal) transmitted from a remote location (different broadcast suppliers) that is received from the remote location via an external transmission path that is different from a transmission path of the radio broadcast signal (col. 2, line 45-

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col. 3, line54); and at least one component of the receiver (receiver/decoder) is remotely controllable using a control signal transmittable via the external transmission path (different broadcast suppliers). Since, Ryan and Maillard et al. are related to the method of controlling the encoded broadcast signal; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ryan as taught by Maillard et al. for purpose of controlling the misuse in receiving the encoded broadcast signal in order to increase significantly the profitability.

Regarding claim 26, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 17. Ryan further discloses wherein the predetermined components (fig. 1, box 12) of the receiver (10) include a data decoder (16) having an output (38) connected to the control unit (20).

Regarding claim 27, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 17. Maillard et al. further disclose wherein the predetermined components of the receiver include an audio decoder (col. 2, lines 29-36).

Regarding claim 28, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 17. Ryan further discloses wherein the predetermined components of the receiver include a receiving part for demodulating a baseband signal from the radio broadcast signal (inherently for a receiver in receiving a radio broadcast signal; see col. 3, lines 23-32).

Regarding claim 29, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 19. Ryan further discloses wherein the post-connected audio-signal processing unit performs at least one of sound control, volume control, balance control, and fade control (inherently to the conventional portable radio or automobile radio; see fig. 1 and col. 5, lines 24-30).

Regarding claim 30, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 19. Ryan further discloses wherein the receiving part includes an AM/FM receiver (inherently to the conventional portable radio or automobile radio; see fig. 1 and col. 5, lines 24-30).

Regarding claim 31, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 14. Maillard et al. further disclose wherein the external communication path is a wireless communication path.

Regarding claim 32, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 24. Ryan further discloses wherein the external transmission path is a wireless communication path (fig. 1; see col. 5, lines 24-30 and col. 4, lines 63-65)).

6. Claims 15, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan and Maillard et al. in view of Abraham (US-4,567,512).

Regarding claim 15, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 14. Ryan further discloses wherein: the external transmission path includes a voice recognition device (fig. 1, box 40 and col. 46-50) and connected to the receiver (10) via a communication link (42); the communication link including at least one of a wire communication link (col. 4, lines 26-29), an air communication link, and an infrared interface communication link; and the mobile radio-communication device is for receiving the external authentication signal and transmitting it to the receiver via the communication link (col. 6, lines 26-64).

But, Ryan and Maillard et al. fail to explicitly show wherein the external transmission path includes a mobile radio-communication device complying with a GSM/UMTS standard. However in analogous art, Abraham teaches wherein the external transmission path includes a radio-communication device (30). Since, Ryan, Maillard et al. and Abraham are related to a method for receiving broadcast signal required additional authentication signal; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ryan and Maillard et al. by specifically having the external transmission path including radio-communication device as taught by Abraham for purpose of controlling advantageously unauthorized users from receiving authorized broadcast signal by receiving additional authentication signal from the external transmission path including a radio-communication device.

But, Abraham does not particularly show a radio-communication device being a mobile radio-communication device complying with a GSM/UMTS standard. However,

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the examiner takes official notice that a wireless receiver complying with a GSM/UMTS standard is extremely well known in the art for receiving authentication signal from a GSM/UMTS network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the receiver of Ryan and Abraham by specifically having a mobile radio-communication device complying with a GSM/UMTS standard in order to enhance capability of the receiver in cooperating with one of the most well known wireless communication network such as GSM/UMTS.

Regarding claim 16, Ryan, Maillard et al. and Abraham disclose the receiver as recited in the rejection of claim 15. Ryan further discloses wherein the mobile radio-communication device (40) and the receiver (10) are situated in a common housing (fig. 1).

Regarding claim 25, Ryan and Maillard et al. disclose the receiver as recited in the rejection of claim 24, wherein a mobile radio-communication device (40) connected to the receiver (10) by a communication interface (42), the communication interface including at least one of a wire communication interface (col. 4, lines 27-29), an air communication interface, and an infrared interface communication interface (col. 4, lines 63-65).

But, Ryan and Maillard et al. do not expressly disclose wherein the external authentication signal is transmittable via a mobile telephony network by a mobile radio-communication device connected to the receiver. However in analogous art,

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Abraham teaches wherein the external authentication signal is transmittable via a telephony network (fig. 1, box 12 and col. 4, lines 32-67). Since, Ryan, Maillard et al. and Abraham are related to a method for receiving broadcast signal required additional authentication signal; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ryan and Maillard et al. by specifically having the external authentication signal being transmittable via a telephony network as taught by Abraham for purpose of controlling advantageously unauthorized users from receiving authorized broadcast signal by transmitting additional authentication signal via a telephony network.

But, Abraham fails to particularly show a telephony network being a mobile telephony network. However, the examiner takes official notice that a wireless receiver is extremely well known in the art for receiving authentication signal from a mobile telephony network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Ryan and Abraham by specifically having the external authentication signal being transmittable via a mobile telephony network in order to make the receiver advantageously portable capability in receiving the signal from wireless communication network.

Reasons for Allowance

7. Claims 20-23 are allowed.

The following is a statement of reason for the indication of allowance: As the applicant stated in the remark (page 7, section II) of the amendment filed on 11/01/2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

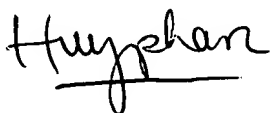
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNY TRINH
PRIMARY EXAMINER

Examiner: Phan, Huy Q.

AU: 2687

Date: Feb. 15, 2005